

# Memorandum

**To:** Members, Planning and Zoning Commission  
**From:** Cindy Tyminski, AICP  
**Date:** March 5, 2020  
**Re:** 201 Main Street, Coastal Site Plan/Special Permit #19-066,  
Modification #2 of Coastal Site Plan/Special Permit #17-033.

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## Statutory Time Lines

Application Submission Date: 1/29/2020  
Application Receipt Date: 2/6/2020  
65 Days from Date of Receipt (when public hearing must open): 4/11/2020  
Public Hearing Opened (scheduled to open):  
35 Days from Public Hearing Commencing (when hearing must close):  
65 Days from Close of Public Hearing (when decision required):

The Fire Marshal submitted comments on 2/4/2020 that stated:

The corridors will provide the require accesilibty to the building's sprinkler control valves and the alarm and is therefore approved by this office. The applicant's installation of a metal (non-combustible) screening fence over HVAC mechanicals is not addressed by the fire code. Further clarifying discussion with the Fire Marshal indicated that a combustibile fence in this location would not be permitted.

The applicant's architect requested further clarification of the Fire Marshall's comments that are noted above. The Fire Marshall responded with additional comments dated 3/6/2020 that identifies their authority to review this structure (10' high fence).

**There is no site visit scheduled for this application. The Commissioners are encouraged to visit the site on their own; individually.**

## Attached to this report:

Fire Marshal Comments dated 2/6/2020



## **DEPARTMENT OF FIRE SERVICES**

**Fire Marshals Office (203) 341-5020**

**Fax (203) 341-5009**

**Nathaniel Gibbons, Fire Marshal**

March 6, 2020

Robert Storm, AIA  
315 Main St.  
Westport CT 06880

Subject: Clarification of 2/4/2020 Letter Regarding HVAC Screening

Dear Robert:

As you know, in my review of Special Permit #19-067 I noted that the applicant's installation of screening over HVAC mechanicals was not addressed by the fire code. At your request, I will clarify this code interpretation.

Applicable Code: As new construction, the HVAC assembly falls under Parts III of the Connecticut State Fire Safety Code Sec. 102.1 (CGS Chapter 541)

Authority Having Jurisdiction: Sec 103: the local fire marshal shall make the initial determination concerning code compliance; the State Fire Marshal is the final authority.

Fire & Smoke Protection Features: 701.1 details structural elements addressed by the code: "materials, systems and assemblies used for structural fire resistance and fire-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings"

In my opinion, decorative screening does not constitute a structural element of the building, and therefore would not be subject to the requirements of 701.1

If the screening were to be considered as a "non-bearing exterior wall or partition", the State Building Code would address its fire-resistance rating through Table 602. The SBC would require a rating of 0 or 1 hour, depending on the fire separation distance (not provided).

In summary, the 2/4/20 letter is supported by CSFSC Part III, section 701.1. Any code requirements regarding fire resistance of a non-bearing exterior wall or partition must come under the SBC Table 602.

**515 POST ROAD EAST, WESTPORT, CT 06880**

I would defer to the Building Official the interpretation as to whether an exterior screen applied over mechanicals is a wall or partition.

Please call me if you have any questions.

Sincerely Yours,

A handwritten signature in black ink, appearing to read 'Nig', with a long horizontal flourish extending to the right.

Nathaniel Gibbons  
Fire Marshal